

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No. 32 OF 2019

Bijay Kumar Sahoo

Petitioner

Mr. S. Mohapatra, Advocate

-versus-

Harapriya Prusty and another

.... Opp. Parties

Mr. Sidhartha Kumar Sahoo, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

09.05.2022

Order No.

- 7.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this RPFAM seeks to assail the order dated 30th January, 2019 (Annexure-3) passed in Criminal Petition No.219 of 2017, whereby learned Judge, Family Court, Khurda by allowing the application filed under Section 125 Cr.P.C. directed the Petitioner to pay Rs.3,000/- per month to Opposite Party No.1 and Rs. 2,000/- per month to Opposite Party No.2 towards maintenance from the date of filing of the application i.e. from 23rd June, 2017.
 3. Mr. Mohapatra, learned counsel for the Petitioner submits that the Petitioner is an unemployed person and is completely depending on his father for his sustenance. The Opposite Party No.1 left the matrimonial house at her own volition along with Opposite Party No.2. Although no documents was filed by the Opposite Party No.1 with regard to the income as well as status of the present Petitioner, learned Judge, Family Court, Khurda holding that the Petitioner is an able bodied person and is duty bound to maintain his wife and child directed to pay such maintenance. He further submits that the Opposite Party No.1 is filing frivolous cases at different forums to harass the present

Petitioner. He, therefore, prays for setting aside the impugned order under Annexure-3.

4. Mr. Sahoo, learned counsel appearing for Opposite Parties by filing objection submits that the Petitioner is leading a luxurious life. He owns a car in the name of his father and he has also purchased land in the name of his father to avoid payment of maintenance to the Opposite Parties. Learned Judge, Family Court, Khurda taking into consideration the materials available on record has passed a reasoned order. Neither the Petitioner is paying maintenance amount regularly nor showing any interest in taking care of the child. As such, the impugned order warrants no interference.

5. Upon hearing learned counsel for the parties and on perusal of the record, it appears that none of the parties have adduced any documentary evidence in support of their case. However, taking into consideration the materials available on record and the fact that the Petitioner is a able bodied person and has obligation to maintain his wife and child, learned Judge, Family Court, Khurda has passed a reasoned order by assessing the evidence on record came to hold that Petitioner having sufficient means is deliberately neglecting to maintain the Opposite Parties.

6. In view of the findings arrived at by learned Judge, Family Court, Khurda on assessment of the oral evidence available on record, I am not inclined to entertain this RPFAM.

7. Accordingly, this RPFAM being devoid of any merit stands dismissed.

(K.R. Mohapatra)
Judge